

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA :
:
:
v. :
:
ADAM JOHNSON, :
:
Defendant. :
:

STATEMENT OF OFFENSE

Pursuant to Federal Rule of Criminal Procedure 11, the United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and the defendant, Adam JOHNSON, with the concurrence of his attorney, agree and stipulate to the below factual basis for the defendant's guilty plea—that is, if this case were to proceed to trial, the parties stipulate that the United States could prove the below facts beyond a reasonable doubt:

The Attack at the U.S. Capitol on January 6, 2021

1. The U.S. Capitol, which is located at First Street, SE, in Washington, D.C., is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification are allowed access inside the U.S. Capitol.
2. On January 6, 2021, the exterior plaza of the U.S. Capitol was closed to members of the public.
3. On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count

of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

4. As the proceedings continued in both the House and the Senate, and with Vice President Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

5. At approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades, and officers of the U.S. Capitol Police, and the crowd advanced to the exterior façade of the building. The crowd was not lawfully authorized to enter or remain in the building and, prior to entering the building, no members of the crowd submitted to security screenings or weapons checks by U.S. Capitol Police Officers or other authorized security officials.

6. At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly after 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of law enforcement, as others in the crowd encouraged and assisted those acts. The riot resulted in substantial damage to the U.S. Capitol, requiring the expenditure of more than \$1.4 million dollars for repairs.

7. Shortly thereafter, at approximately 2:20 p.m., members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Pence, were instructed to—and did—evacuate the chambers. Accordingly, all proceedings of the United States Congress, including the joint session, were effectively suspended until shortly after 8:00 p.m. the same day. In light of the dangerous circumstances caused by the unlawful entry to the U.S. Capitol, including the danger posed by individuals who had entered the U.S. Capitol without any security screening or weapons check, Congressional proceedings could not resume until after every unauthorized occupant had left the U.S. Capitol, and the building had been confirmed secured. The proceedings resumed at approximately 8:00 p.m. after the building had been secured. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the session resumed.

JOHNSON's Participation in the January 6, 2021, Capitol Riot

8. On January 5, 2021, JOHNSON traveled to Washington, D.C. from Tampa, Florida, accompanied by his friend, Person 1, to attend a political rally on January 6, 2021. At the time he traveled, JOHNSON was aware that the Electoral College votes would be counted the next day at the U.S. Capitol.

9. On January 6, 2021, at approximately 8:30 a.m., JOHNSON and Person 1 walked to a political rally in support of former President Trump. JOHNSON brought a Kershaw folding knife with him from the hotel but discarded it in some bushes near the Canadian Embassy.

10. At the rally, JOHNSON listened to several speeches, including by former President Trump, Rudy Giuliani, and an unknown older member of Congress—the latter whom JOHNSON heard stating that it was time for action and violence. In response to these comments, JOHNSON saw members of the crowd nodding their heads in agreement.

11. Following these speeches, JOHNSON and Person 1 began marching to the Capitol with the crowd. While marching, JOHNSON heard someone say “Pence didn’t do it.” JOHNSON also saw police running towards the Capitol and heard members of the crowd shout, “they broke into the Capitol!” JOHNSON and Person 1 started running towards the Capitol as well.

12. By the time JOHNSON and Person 1 arrived on Capitol grounds, there were thousands of protesters and approximately thirty to forty police officers with shields and riot gear present. JOHNSON witnessed members of the crowd engage in a shoving match with the officers, who had formed a loose semicircle. During this altercation, JOHNSON recorded a video of an individual grabbing a baton from a police officer. He also witnessed the police use tear gas and flash bangs to try and disperse the crowd. The tear gas made JOHNSON’s eyes sting. As JOHNSON and Person 1 moved through the crowd, JOHNSON commented to Person 1, “that tear gas was rough.”

13. Shortly thereafter, JOHNSON and Person 1 got separated from each other near where the crowd was pushing against the semicircle of police officers. JOHNSON then climbed the scaffolding on the West Front of the Capitol. Once on top of the scaffolding, JOHNSON recorded a video of his view and sent it via Facebook to a group of friends he knows from the jiu jitsu gym that he frequents. He then descended the scaffolding and approached the Capitol building.

14. At approximately 2:20 p.m., JOHNSON entered the Senate Wing door to the Capitol while holding up his cell phone and recording a video. To JOHNSON’s immediate left, members of the crowd were entering the Capitol through a window that had been smashed earlier by rioters. During this moment, JOHNSON heard others chanting: “Whose house? Our house!”

15. JOHNSON walked with the crowd down a hallway on the Senate side of the Capitol. He, along with others, entered an open door to an office in that hallway. He did not witness anyone cause damage to the room. At approximately 2:25 p.m., JOHNSON ascended a set of stairs from the first to the second floor of the Capitol.

16. As he walked through the Capitol, JOHNSON stopped near a sign that read: "Closed to all tours." JOHNSON asked someone to take a picture of him posing with the sign. He later posted this picture on his Facebook account, along with the caption, "No."

17. At approximately 2:28 p.m., JOHNSON saw a sign for Speaker Nanci Pelosi's office suite and walked in that direction. JOHNSON walked to the end of the hall and tried to open a door that he believed was to Speaker Pelosi's office, but it was locked. By that time, several of Speaker Pelosi's staffers had barricaded themselves in a different office in that hallway. As he exited the hallway, JOHNSON walked over a broken wooden sign on the floor and witnessed a man grab and throw papers onto the floor.

18. Shortly thereafter, JOHNSON located a podium bearing a large seal of the Speaker of the House near a spiral staircase and carried it to the Capitol Rotunda. He did so because he believed it would make a good prop for a picture.

19. At approximately 2:30 p.m., upon entering the Rotunda with the podium, JOHNSON waved to a photographer with professional camera equipment, who ran up to take a picture of him. JOHNSON set the podium down in the center of the Rotunda, where he posed while yet another photographer with professional camera equipment took pictures of him. JOHNSON then asked a woman to take pictures of him standing behind the podium using his phone. The woman took several pictures of JOHNSON behind the podium while he gestured

and pretended to make a speech. JOHNSON left the podium in the center of the room and exited the Rotunda.

20. At approximately 2:32 p.m., JOHNSON entered the Statuary Hall connector hallway of the Capitol, leading to the House Chamber. Already present in this hallway were dozens of protesters standing behind a line of approximately ten U.S. Capitol Police officers guarding an entryway to the House Chamber. JOHNSON saw some police officers in this space but did not see that a full line of officers was guarding the entryway from his vantage point approximately five rows back.

21. For the next several minutes, JOHNSON heard protesters shouting. He also heard a protester using a bullhorn telling the crowd to be quiet and calm. The crowd continued to shout.

22. At approximately 2:36 p.m., members of the crowd began pushing forward against the police line, propelling the crowd, including JOHNSON, forward. JOHNSON followed the crowd to a small corridor featuring a set of doors to the House Chamber and a bust of George Washington. JOHNSON witnessed protesters banging against the doors and chanting “stop the steal” for several minutes. He also shouted that the Washington bust would be “a great battering ram.”

23. At some point while standing near the House Chamber doors, an individual wearing a hat with furry ears told JOHNSON something to the effect of “they are still in the room,” which he understood to mean that members of Congress were still inside counting votes.

24. JOHNSON witnessed police officers, armed with riot gear, being crushed in this area. He heard a man with a megaphone shouting, “let them out!” During this time, protesters were chanting “break it down,” in reference to the doors.

25. Several minutes later, someone discharged white smoke from what JOHNSON believed was a fire extinguisher. At this point, JOHNSON moved away from the crowd by the House Chamber doors and asked a police officer covered in white residue how to leave the building. At approximately 2:55 p.m., JOHNSON exited the Capitol through the East Rotunda doors.

26. The defendant knew at the time he entered the U.S. Capitol Building that he was trespassing and did not have permission or lawful authority to enter the building. At the time he entered, the U.S. Capitol was a restricted building where the Vice President and Vice President-elect were temporarily visiting. The defendant unlawfully and knowingly entered and remained in a restricted building without lawful authority to do so.

JOHNSON's Actions After the Riot on January 6

27. After leaving the Capitol, JOHNSON returned to the hotel where he met up with Person 1. Person 1 told JOHNSON that he had also entered the Capitol building and made it to the “dome.”

28. JOHNSON ultimately traveled back to Florida via a rental car, as opposed to taking his scheduled flight home, because he knew there likely would be consequences for his unlawful entry into the Capitol.

29. By January 7, 2021, JOHNSON had deleted the media items pertaining to the Capitol riot from his phone, including the video recordings described above. He also deleted his Facebook account.

Respectfully submitted,

CHANNING D. PHILLIPS
Acting United States Attorney

D.C. Bar No. 415793

By:

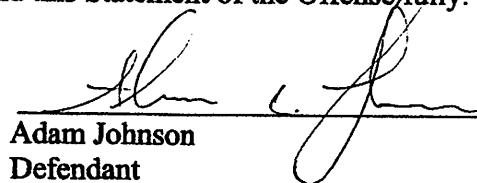
Jessica Arco /s/

Jessica Arco
Trial Attorney – Detailee

DEFENDANT'S ACKNOWLEDGMENT

I, Adam Johnson, have read this Statement of the Offense and have discussed it with my attorney. I fully understand this Statement of the Offense. I agree and acknowledge by my signature that this Statement of the Offense is true and accurate. I do this voluntarily and of my own free will. No threats have been made to me nor am I under the influence of anything that could impede my ability to understand this Statement of the Offense fully.

Date: 10/26/2021


Adam Johnson
Defendant

ATTORNEY'S ACKNOWLEDGMENT

I have read this Statement of the Offense and have reviewed it with my client fully. I concur in my client's desire to adopt this Statement of the Offense as true and accurate.

Date: 10/26/21


Dan Eckhart
Attorney for Defendant

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Mark Walker

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